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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/657,215	09/07/2000	Robert C. Beasley	END9-2000-0104US1	1334

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EXAMINER

TRAN, LAMBERT L

ART UNIT	PAPER NUMBER
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2144

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DATE MAILED: 04/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/657,215

Applicant(s)

BEASLEY ET AL.

Examiner

Lambert L. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Amendment A, received on 23 January 2004, has been entered as Paper No. 7.
2. Claims 1, 11-12, 15, 16 are amended. Claims 17-20 are added.
3. Claims 1-20 are remain pending.

Priority

4. No claim for priority has been made in this application.

Specification

5. The disclosure is objected to because it contains embedded hyperlinks and/or other form of browser-executable code, for example, reference to */intralib.nfs* on Page 16, last paragraph. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 112

6. Claim 11, as amended, has overcome the rejection based on the second paragraph of 35 U.S.C. 112. The rejection of claim 11 has been withdrawn.
7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-2, 12, 15-17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Underwood, U.S. Patent No 6,523,027, in view of Buzzeo et al., U.S. Patent No 6,125,363, hereinafter referred to as Buzzeo.

10. In regard to claims 1, 12, 15-16, Underwood disclosed an architecture and method for E-Commerce and web processing tool comprising:

a browser [see Underwood, col. 130, lines 56-67];

a plurality of first clustered servers; a plurality of second clustered servers [see Underwood, ABSTRACT, col. 2, lines 7-25];

a database server [see Underwood, col. 123, lines 58-67, col. 124, lines 1-3];

an application server asynchronously responsive to said second clustered servers for running agents to process application data requests and bridge said data with respect to said database server and other back end servers (other common services) [see Underwood, col. 125, lines 28-34, col. 312, lines 53-65]. Underwood disclosed the invention substantially as claimed.

Underwood disclosed an architecture and method for E-commerce and Web processing comprising first server cluster, second server cluster and plurality of proxy components [see Underwood, col. 2, lines 33-34] including fail-over and load balancing [see Underwood, col.

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314, lines 47-56], database servers and application servers. However, Underwood did not expressly disclose:

a first network dispatcher for dynamically balancing client workload by redirecting clients to one of said first clustered servers based on current workload of servers within said plurality of first clustered servers; a second network dispatcher responsive said first clustered servers for dynamically balancing client workload by redirecting clients to one of said second clustered servers based on current workload of servers within said plurality of second clustered servers.

In the same field of multi-tier client server data processing, Buzzeo disclosed:

a first network (see tier II) dispatcher (Object Request Broker, ORB) for dynamically balancing client workload by redirecting clients to one of said first clustered servers based on current workload of servers within said plurality of first clustered servers; a second network (see tier III) dispatcher (Monitor and Balance Object) responsive said first clustered servers for dynamically balancing client workload by redirecting clients to one of said second clustered servers based on current workload of servers within said plurality of second clustered servers [see Buzzeo, ABSTRACT, Figure 3, 4A and 4B, col. 2, lines 7-20, col. 4, lines 19-34, col. 6, lines 17-20, col. 7, lines 65-67, col. 8, lines 1-4]. An ordinary artisan in the art at the same time the invention was made, would have been motivated to look to a way to improve the load balancing suggested by Underwood [see Underwood, col. 314, lines 47-56], since load balancing utilizes servers resources.

11. Accordingly, it would have been obvious to one of ordinary skill in the multi-tiers client/server art at the time the invention was made to have incorporated Buzzeo teachings of implementing load balancing across multi-tiers into the architecture disclosed by Underwood, for

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the purpose of providing a system that is capable of taking full advantage of network advances correspondingly rises [see Buzzeo, col. 1, lines 7-8].

12. In regard to claim 2, 17, Underwood disclosed:

presenting a graphical user interface to the said browser and for caching data on behalf of an end user [see Underwood, col. 132, col. 7-14, col. 121, lines 31-37, col. 48, lines 32-34].

13. Claims 3-11, 13-14, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Underwood, in view of Buzzeo, further in view of Ciarlante et al., U.S. Patent No. 6,594,819, hereinafter referred to as Ciarlante.

14. In regard to claim 3, Underwood and Buzzeo disclosed the invention substantially as claimed. However, Underwood and Buzzeo did not expressly disclose *the first clustered servers being domino servers*.

In the same field of web tools and web hosting applications [see Ciarlante, ABSTRACT], Ciarlante disclosed an application warehouse and web hosting system *implemented in domino servers* [see Ciarlante, col. 3, lines 52-64, col. 4, lines 63-67]. An ordinary artisan in the art at the same time the invention was made, would have been motivated to look for a popular, large user-based platform such as the Domino servers to implement the architecture disclosed by Underwood and Buzzeo, since it is possible to request component services architected in Underwood disclosure from any platform [see Underwood, col. 342, lines 39-40].

15. Accordingly, it would have been obvious to one of ordinary skill in the E-Commerce programming art at the time the invention was made to have incorporated Underwood and Buzzeo teachings of providing a less complex, faster interactions between clients and servers

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[see Underwood, col. 2, lines 1-4], with the teachings of Ciarlante's, for the purpose of providing an system architecture that is extremely powerful and increasingly popular [see Ciarlante, col. 1, lines 25-32, col. 4, lines 63-67].

16. In regard to claim 4, Underwood disclosed:

web processing tool being a web requisition catalog application (grocery store, inventory management) [see Underwood, col. 343, lines 11-63].

17. In regard to claims 5-7, the combination inventions Underwood-Buzzeo and Ciarlante disclosed:

clustered servers being operable for performing workflow, providing security, and serving as a document repository (information services) [see Underwood, col. 124, lines 24-29, col. 332, lines 37-48, col. 119, lines 35-55];

clustered servers being domino network servers [see Ciarlante, col. 3, lines 52-64, col. 4, lines 63-67];

stored in domino .nsf files [see Ciarlante, col. 5, lines 21-32].

18. In regard to claims 8-9, 20, Underwood disclosed:

an external objects dynamic file for storing external objects (code table, information services) in one place for dynamic access by said first clustered servers, and for generating said gui [see Underwood, col. 125, lines 65-67, col. 126, lines 1-7, col. 128, lines 61-67, col. 129, lines 1-2, col. 132, lines 9-14].

database server being a relational database server (Oracle) [see Underwood, col. 129, lines 6-11, and lines 55-56].

19. In regard to claim 10, Underwood disclosed:

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an enterprise resource planning system, including an accounting application having an accounts payable function (business components) [see Underwood, col. 332, lines 5-36].

20. In regard to claim 11, Underwood disclosed:

comprising a configuration file of proxy statements for mapping user requests to said second cluster [see Underwood, ABSTRACT].

21. In regard to claims 13, 18, Underwood disclosed:

comprising the step of synchronizing virtual servers [see Underwood, col. 127, lines 55-67, see Ciarlante, col. 5, lines 1-3].

22. In regard to claims 14, 19, Underwood disclosed:

replicating application data to a back-end relational database server; and replicating (duplicate) application data to a back-end enterprise resource planning system including an accounting application having an accounts payable function [see Underwood, col. 332, lines 5-36, see Ciarlante, col. 8, lines 1-5].

23. Since all the claims limitations are taught by the combination inventions of Underwood, Buzzeo and Ciarlante, claims 1-20 are rejected.

Response to Arguments

24. Applicant's arguments regarding Bowman-Amuah (6,578,068) and Munguia (6,381,644), see amendment A, Paper No. 7, Page 17-18, filed on 23 January 2004 with respect to claims 1-2, 4-5, 9-16 have been fully considered and are persuasive. The rejection of claims 1-2, 4-5, 9-16, based on Bowman-Amuah and Munguia has been withdrawn.

25. Applicant's arguments filed in the same amendment (Paper No. 7) regarding Underwood on Page 17-18 have been fully considered but they are not persuasive.

26. As per Underwood, Applicant asserts that this patent deals only with a server retrieving data from a second server for the transfer of data. It is submitted that Underwood disclosed a Resource eCommerce Technology Architecture comprised of a plurality of first servers and second servers, application server, database server [see Underwood, Figure 47, and col. 2, lines 34-35]. Underwood system further included a client browser, a graphical user interface [see Underwood, col. 131, lines 22-23, col. 132, lines 9-14], as well as provision for fail-over and load balancing [see Underwood, col. 314, lines 47-56]. Underwood's Resource eCommerce Technology Architecture provided a system framework for a plurality of eCommerce activities as disclosed in Column 343-344, and Examples 1-5.

27. Applicant further argues that *Underwood does not discuss scalability or clustering a servers running mirror image system*. Underwood indeed discussed *scalability* in Column 338, lines 6-44. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *servers running mirror image system*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The closest thing to mirror in the claims is the *replicating* limitation cited in claims 14 and 19. This limitation is addressed in paragraph 22 set forth above in this Office Action.

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

29. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lambert L. Tran whose telephone number is (703) 305-4663. The examiner can normally be reached on M-F at 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached on (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Assistant Examiner
GAU 2144
March 31, 2004


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SUPERVISORY PATENT EXAMINER